

## **IC 25-8-4**

### **Chapter 4. Cosmetology Licenses; General Provisions**

#### **IC 25-8-4-1**

##### **Exempt individuals**

Sec. 1. The provisions of this article requiring a person to obtain a license do not apply to a person performing cosmetology as a:

- (1) licensed barber under IC 25-7;
- (2) commissioned medical or surgical officer of the United States armed forces;
- (3) chiropractor (as defined by IC 25-10-1-1(2));
- (4) embalmer (as defined by IC 25-15-2-8);
- (5) funeral director (as defined by IC 25-15-2-12);
- (6) registered nurse (as defined by IC 25-23-1-1.1(a));
- (7) licensed practical nurse (as defined by IC 25-23-1-1.2);
- (8) physician (as defined by IC 25-22.5-1-1.1(g));
- (9) podiatrist (as defined by IC 25-29-1-13);
- (10) person conducting an educational activity involving cosmetology at a scheduled meeting of an association that:
  - (A) recognizes a group of its members as cosmetologists; and
  - (B) is not open to persons who are not licensed under this chapter; or
- (11) student in a cosmetology school.

*As added by P.L.257-1987, SEC.3. Amended by P.L.33-1993, SEC.17; P.L.236-1995, SEC.6.*

#### **IC 25-8-4-2**

##### **License reciprocity; applicability to cosmetologists and manicurists**

Sec. 2. (a) If the board determines that:

- (1) a person possesses a valid license from another jurisdiction to perform acts that require a license under this article; and
- (2) the jurisdiction issuing the license imposes substantially equal requirements on applicants for the license as are imposed on applicants for an Indiana license;

the board may issue a license to perform those acts in Indiana to that person upon payment of the fee required under IC 25-8-13.

(b) This subsection applies only to applications for a cosmetologist license under IC 25-8-9. If the jurisdiction issuing the license does not impose substantially equal requirements as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice is equal to one hundred (100) hours of education to an applicant who has completed a minimum of one thousand (1,000) hours of education.

(c) This subsection applies only to applications for a manicurist license under IC 25-8-11. Applicants for a manicurist license under this section must take the written examination described by section 8(2) of this chapter and score at least seventy-five percent (75%) on

the examination.

*As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.13; P.L.236-1995, SEC.7; P.L.84-1998, SEC.21.*

### **IC 25-8-4-3 Repealed**

*(Repealed by P.L.236-1995, SEC.54.)*

### **IC 25-8-4-4**

#### **Transfer of license**

Sec. 4. A license issued under this article may not be transferred unless:

- (1) the license is a cosmetology salon license; and
- (2) the person holding the license was required to change the location of the cosmetology salon by circumstances that the board determines were beyond the control of that person.

*As added by P.L.257-1987, SEC.3.*

### **IC 25-8-4-5**

#### **Application**

Sec. 5. A person who wishes to obtain a license issued under this article must complete a license application form prescribed by the board and file the application with the secretary of the board.

*As added by P.L.257-1987, SEC.3.*

### **IC 25-8-4-6**

#### **Verified statement negating misconduct**

Sec. 6. The applicant must file with the application described in section 5 of this chapter a verified statement that the applicant has not engaged in activity which would subject the applicant to disciplinary procedures under IC 25-1-11.

*As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.28.*

### **IC 25-8-4-7**

#### **Examinations; time and place**

Sec. 7. The board shall conduct an examination of the applicants for a cosmetologist license at least once each month. The board shall conduct an examination of the applicants for all other licenses issued under this article at least four (4) times each year. The tests described in this section shall be conducted at the times and places determined by the board.

*As added by P.L.257-1987, SEC.3.*

### **IC 25-8-4-8**

#### **Subjects tested**

Sec. 8. The examinations described in section 7 of this chapter must include:

- (1) a practical demonstration of the acts permitted by the license; and
- (2) a written test concerning the licensed activity, as it is

customarily taught in a cosmetology school.  
*As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.29.*

#### **IC 25-8-4-8.5**

##### **Temporary license**

Sec. 8.5. (a) Notice of passing the board examination serves as a temporary license for an individual applicant to act as a licensee if the applicant sends by:

- (1) registered; or
- (2) certified mail;

a license fee as required under IC 25-8-13 in the form of a certified check or money order.

(b) The temporary license under subsection (a) expires the earlier of the following:

- (1) Sixty (60) days after the mailing date of the notice of passing the board examination.
- (2) The date a license is issued under this article.

*As added by P.L.184-1991, SEC.15. Amended by P.L.236-1995, SEC.8.*

#### **IC 25-8-4-9**

##### **Issuance of license**

Sec. 9. The board shall issue a license to an applicant who:

- (1) receives a minimum grade of seventy-five percent (75%) on both the written and practical examinations described in section 8 of this chapter; and
- (2) complies with the remaining requirements for a license set forth in this article.

*As added by P.L.257-1987, SEC.3. Amended by P.L.214-1993, SEC.30.*

#### **IC 25-8-4-10**

##### **Change of licensee's address; notice**

Sec. 10. A person who holds a license issued under this article shall inform the board of a change of address by submitting a written statement that sets forth the current address of the person to the board no later than thirty (30) days following the change.

*As added by P.L.257-1987, SEC.3.*

#### **IC 25-8-4-11**

##### **School license sign; standards**

Sec. 11. A person who holds a cosmetology school license shall display a sign that complies with standards prescribed by the board on the premises of that establishment indicating that the establishment is a cosmetology school licensed under this article.

*As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.16.*

#### **IC 25-8-4-12**

**Visibility of sign**

Sec. 12. The sign described in section 11 of this chapter must be visible to a customer entering the main entrance of the establishment.  
*As added by P.L.257-1987, SEC.3.*

**IC 25-8-4-13****Individual license display**

Sec. 13. A person who holds any license issued under this chapter except the licenses described in section 11 of this chapter shall display the license in a conspicuous place in that person's work area in the cosmetology salon or cosmetology school where the person is employed. The license must be clearly visible to a customer of that person who is present in the licensed person's work area.  
*As added by P.L.257-1987, SEC.3.*

**IC 25-8-4-14****Duplicate license; issuance procedure**

Sec. 14. The board may issue a duplicate license to a person licensed under this article if the person:

- (1) files a verified statement with the board that the original license has been lost or destroyed; and
- (2) pays the fee required under IC 25-1-8-2.

*As added by P.L.257-1987, SEC.3. Amended by P.L.235-1995, SEC.4.*

**IC 25-8-4-15****Duplicate license registration number**

Sec. 15. A duplicate license has the same registration number as the original license issued to that person.  
*As added by P.L.257-1987, SEC.3.*

**IC 25-8-4-16****Repealed**

*(Repealed by P.L.184-1991, SEC.42.)*

**IC 25-8-4-17****Expiration of license**

Sec. 17. A license issued or renewed under this article is valid for four (4) years.  
*As added by P.L.257-1987, SEC.3.*

**IC 25-8-4-18****Renewal application**

Sec. 18. Except as provided in IC 25-8-9-11, a person who holds a license under this article may apply for its renewal.  
*As added by P.L.257-1987, SEC.3.*

**IC 25-8-4-19****Renewal before expiration**

Sec. 19. The board shall renew a license if the license holder:

- (1) pays the fee set forth in IC 25-8-13 to renew the license before the license is to expire; and
- (2) fulfills the continuing education requirements under IC 25-8-15.

*As added by P.L.257-1987, SEC.3. Amended by P.L.239-1995, SEC.4.*

#### **IC 25-8-4-20**

##### **Date of expiration**

Sec. 20. (a) Except as provided for:

- (1) a cosmetology salon license under subsection (b); and
- (2) a temporary cosmetology license under IC 25-8-9-10;

a license that is not renewed under section 19 of this chapter expires August 1 of the year of expiration unless a different date is fixed by the board.

(b) A cosmetology salon license expires February 1 of the year of expiration.

*As added by P.L.257-1987, SEC.3.*

#### **IC 25-8-4-21**

##### **Reinstatement procedure following expiration**

Sec. 21. Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

- (1) pays renewal fees established by the board under IC 25-1-8-2;
- (2) pays the license reinstatement fee established under IC 25-1-8-7;
- (3) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board; and
- (4) fulfills the continuing education requirements under IC 25-8-15.

*As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.17; P.L.239-1995, SEC.5; P.L.194-2005, SEC.33.*

#### **IC 25-8-4-22**

##### **Restrictions on reinstatement in event of belated renewal**

Sec. 22. (a) Except as provided in subsection (b), the board may not reinstate a license issued under this article if the person holding the license does not petition for license renewal within three (3) years after the expiration of the license, unless that person complies with section 23 of this chapter.

(b) The board may not reinstate:

- (1) a cosmetology salon license issued under IC 25-8-5;
- (2) an electrology salon license issued under IC 25-8-7.2;
- (3) an esthetician salon license issued under IC 25-8-12.6;
- (4) a manicurist salon license issued under IC 25-8-7.1; or

(5) a cosmetology school license issued under IC 25-8-7; unless the license holder submits an application for reinstatement of the license within six (6) months after the date the license expired. *As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.18; P.L.214-1993, SEC.31; P.L.194-2005, SEC.34.*

#### **IC 25-8-4-23**

##### **Restrictive individual license reinstatement procedure; examination**

Sec. 23. The board may reinstate a license issued under this article held by a person described in section 22(a) of this chapter if the applicant:

- (1) receives a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-8-13;
- (3) pays the reinstatement fee established under IC 25-1-8-7; and
- (4) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated.

*As added by P.L.257-1987, SEC.3. Amended by P.L.194-2005, SEC.35.*

#### **IC 25-8-4-24**

##### **Failed individual license reexamination; additional procedure to reinstate**

Sec. 24. If a person does not receive a satisfactory grade on the examination described in section 23 of this chapter, the board may not reinstate that person's license until the person has:

- (1) successfully completed the cosmetology school program required for an applicant for a license issued under this article to perform the acts authorized by the license being reinstated;
- (2) received a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;
- (3) paid the examination fee set forth in IC 25-8-13;
- (4) paid the license fee set forth in IC 25-8-13; and
- (5) complied with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated.

*As added by P.L.257-1987, SEC.3. Amended by P.L.194-2005, SEC.36.*

#### **IC 25-8-4-25**

##### **Denial of individual license reinstatement petition**

Sec. 25. If a person does not receive a satisfactory grade on the examination described in section 24(2) of this chapter, the board may deny the petition to reinstate the license.

*As added by P.L.257-1987, SEC.3. Amended by P.L.194-2005, SEC.37.*

**IC 25-8-4-26****Reinstatement of license upon further examination**

Sec. 26. The board may reinstate a license held by a person described in section 25 of this chapter if that person complies with any rules adopted by the board to permit further examination of that person for license reinstatement.

*As added by P.L.257-1987, SEC.3. Amended by P.L.194-2005, SEC.38.*

**IC 25-8-4-27****Application for new license by former license holder failing to comply with reinstatement application requirements**

Sec. 27. If a person holding a license described in section 22(b) of this chapter does not comply with the reinstatement application filing requirements set forth in that section, that person may:

(1) file an application for a new license to operate:

- (A) a cosmetology salon;
- (B) an electrology salon;
- (C) an esthetic salon;
- (D) a manicurist salon; or
- (E) a cosmetology school;

under this article; and

(2) pay the reinstatement fee set forth in:

- (A) IC 25-8-13-3; or
- (B) IC 25-8-13-5(b).

*As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.19; P.L.194-2005, SEC.39.*

**IC 25-8-4-28****Issuance of new salon or school license to former license holder satisfying initial license applicant requirements**

Sec. 28. The board may issue a cosmetology salon or cosmetology school license to a person described in section 27 of this chapter if that person complies with the requirements imposed in this article on an applicant for an initial license to operate a cosmetology salon or cosmetology school.

*As added by P.L.257-1987, SEC.3.*

**IC 25-8-4-29****Prohibited acts of licensee no longer complying with requirement for issuance of license**

Sec. 29. A person holding a license under this chapter may not perform an act authorized by that license if the person knows that the person no longer complies with the requirements for the issuance of the license.

*As added by P.L.257-1987, SEC.3.*

**IC 25-8-4-30****Licensed activity separate from residence**

Sec. 30. A person may not engage in any activity licensed under

this article in a structure that contains a residence unless the residence:

- (1) is separated from the place where the licensed activity occurs by a substantial floor to ceiling partition; and
- (2) has a separate entry.

*As added by P.L.257-1987, SEC.3. Amended by P.L.184-1991, SEC.20.*